IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 26568 of 2007(K)

PETITIONER:

K.MAHESH, S/O KRISHNAMOORTHY,
PROPRIETOR CENTRAL TALKIES,
MELAMURI, PALAKKAD.

BY ADV. SRI.G.HARIHARAN

RESPONDENTS:

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1. THE SECRETARY,
PALAKKAD MUNCIPALITY,
PALAKKAD.

2. KERALA STATE FILM DEVELOPMENT
CORPORATION LIMITED, CHALACHITRA KALA BHAVAN,
VAZHUTHAKKAD, THIRUVANANTHAPURAM-695014.

R1 BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS
SRI.P.S.APPU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 26568 OF 2007

Dated this the 20th day of September, 2007

JUDGMENT

The grievance of the petitioner is that the 1st respondent Municipality has not renewed the licence for his cinema theatre on the ground that certain amounts are due from the 2nd respondent, the Kerala state Film Development Corporation, pursuant to a demand of the 2nd respondent which as can be discerned from Ext.P1, is for Rs.35,000/-.

Having regard to the submissions addressed before me by Mr.G.Hariharan,counsel for the petitioner and Mr.Chitambaresh, Standing Counsel for the respondent and in the nature of orders to be passed hereunder, I am of the view that notice need not be issued to the 2nd respondent. Going by Ext.P2, the liability should be at least Rs.20,000/- for the period 2005-06. In ground No.E the petitioner has stated that he is ready and willing to pay the service charges currently due to the 2nd respondent. Under these circumstances, I direct the petitioner to remit a sum of Rs.20,000/- with the 2nd respondent , get a receipt and produce the same before the 1st respondent and file a fresh application for renewal of licence. If a fresh application for renewal of licence accompanied by the receipt for payment of Rs.20,000/- to the 2nd respondent is received by the 1st respondent within two weeks of the

petitioner receiving copy of this judgment, the Municipality will favourably consider the application and renew the licence to the petitioner. It is however made clear that the petitioner will be liable to pay the correct balance also within another period of three months. The 2nd respondent will give a hearing opportunity to the petitioner on the issue of the balance correctly due to them and take a decision and communicate the decision. The decision as directed will be taken by the 2nd respondent within six weeks of the petitioner remitting the sum of Rs.20,000/- as directed above. Decision so taken will be intimated by the 2nd respondent to the 1st respondent Municipality. The 2nd respondent will also hand over the order to be passed, after hearing the petitioner, to the petitioner.

PIUS C. KURIAKOSE, JUDGE

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